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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 NORMA RODRIGUEZ

11 Plaintiff,

12 v.

13 PIERCE COUNTY, a municipal corporation
14 and local political subdivision of the State of
Washington,

15 Defendant.
16

No. C05-5140RBL

ORDER DENYING
MOTION TO EXCLUDE

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18 This matter is before the Court on Defendant Pierce County's ("County") Motion to Exclude the
19 testimony of Plaintiff Norma Rodriguez's ("Rodriguez") expert witness, Forensic Economist Robert
20 Moss [Dkt. #18]. The County also requests to proceed with medical discovery of Sean Killoran, M.D.,
21 and requests for leave to identify its own psychiatric expert and conduct an independent medical exam
22 (IME). The Court will consider each expert in turn.
23

24 **Forensic Economist Robert Moss**

25 The County argues that Rodriguez did not disclose expert Robert Moss until January 6, 2006,
26 several weeks after the November 23, 2005, deadline set for disclosure of experts. It adds that when
27 Rodriguez disclosed Moss, she did not serve a complete report with qualifying information as required by
28 FRCP 26(a)(2). Rodriguez responds that she told the County in advance that she was in the process of

1 hiring an expert, and that she sent the expert's report the day she received it.

2 **Behavioral Medicine Specialist Sean Killoran, M.D.**

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4 The County asserts that because it was not timely apprised of the existence of behavioral medicine
5 specialist Sean Killoran, and because Killoran's testimony is relevant to this case, it should be permitted to
6 conduct discovery of Killoran and to conduct an IME with a psychiatrist of its choosing. Rodriguez
7 maintains that she did not willfully withhold names of physicians from the County. She adds that she does
8 not object to allowing Killoran to be deposed.

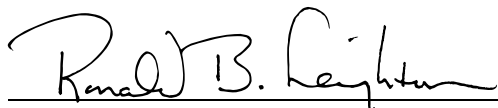
9 **Conclusion**

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11 The parties have ample time before trial on May 22, 2006, to depose and evaluate expert witness.
12 In light of this, and in light of the relevance of each of the two experts to the case at bar, the Court will not
13 exclude either expert. Therefore, the Defendant County's motion [Dkt. #18] is DENIED in part and
14 GRANTED in part. It is DENIED in so far as the County moves to exclude Plaintiff's expert witness,
15 Robert Moss. It is GRANTED in so far as the County requests to proceed with discovery of Sean
16 Killoran.¹

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18 Rodriguez must promptly provide the County with the required and requested information about
19 the witness's qualifications, publications, compensation, and prior testimony.

20 IT IS SO ORDERED.

21 DATED this 3rd day of March, 2006.

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25 RONALD B. LEIGHTON
26 UNITED STATES DISTRICT JUDGE
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¹The Court grants the County's request to depose Killoran, but at this time does not permit the County to conduct an IME with a psychiatric expert of its own choosing.